

REMARKS

Applicant is submitting this Response in reply to the Final Official Action dated January 28, 2008 and Notice of Abandonment dated September 2, 2008 and Applicant believes that this Response is fully responsive for at least the reasons set forth herein.

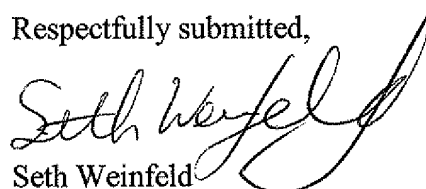
In the Final Official Action, the Examiner maintained the rejection of claims 1-20 under 35 U.S.C. § 102 as being anticipated by Kondo et al., U.S. Patent Publication No. 2004/0155963 (hereinafter "Kondo").

The Examiner stated that Applicant's declaration is ineffective to overcome the Kondo reference. Notably, the Examiner concluded that the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of Kondo. It appears that the exhibits to Applicant's Declaration was not received by the Examiner. Accordingly, Applicant is resubmitting Applicant's Declaration under 37 C.F.R. § 1.131. Applicant is also submitting a courtesy copy of the Declaration with exhibits to the Examiner via the Examiner personal facsimile number 571-273-7328.

As stated in Applicant's Declaration, Exhibit A is an invention disclosure form ("IDF"). The IDF contains a complete description of the invention and is presented as evidence of conception. Exhibit B is an email from in-house counsel to outside counsel dated October 23, 2003 engaging outside counsel to prepare a patent application based upon the IDF. Exhibit C is an email dated December 3, 2003 from outside counsel to the inventor sending a first draft of the application to the inventor.

Applicant kindly requests the Examiner to contact the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343, upon receipt of Applicant's Declaration and exhibits to confirm receipt of the complete document and to discuss the merits of the Declaration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Seth Weinfeld", written over a horizontal line.

Seth Weinfeld
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Attachment: Exhibits A-C